

December 29, 2003

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

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Seattle, Washington 98104
Telephone (206) 296-4660
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REPORT AND DECISION

SUBJECT: Department of Development and Environmental Services File No. **E9900034**

ESTATE OF ROY D. MORE
Code Enforcement Appeal

Location: 17023 – 113th Avenue Southeast

Appellant: Estate of Roy D. More
represented by **Dorothy Pierucci**
P.O. Box 98874
Renton, WA 98058
Telephone: (425) 226-1698

King County: Department of Development and Environmental Services,
represented by **DenoBi Olegba**
900 Oakesdale Avenue Southwest
Renton, Washington 98055-1219
Telephone: (206) 205-1528
Facsimile: (206) 296-6604

SUMMARY OF DECISION/RECOMMENDATION:

Department's Preliminary Recommendation:	Deny appeal
Department's Final Recommendation:	Deny appeal
Examiner's Decision:	Appeal denied

EXAMINER PROCEEDINGS:

Hearing Opened:	December 23, 2003
Hearing Closed:	December 23, 2003

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS OF FACT:

1. On October 27, 2003 a notice and order was issued by the King County Department of Development and Environmental Services, Code Enforcement Section, to the Estate of Roy D. More concerning property located at 17023 – 113th Avenue Southeast, Renton, Washington 98055. The property was cited for construction of garage structures without building permits; illegal occupancy of a motor home, including the improper discharge of gray water; and accumulation and storage of inoperable vehicles, parts, scrap, salvage and debris. A timely appeal was filed by Dorothy Pierucci, widow of Roy More. The appeal does not contest the citations within the notice and order but merely requests further time for their correction.
2. Through the good offices of Mrs. Pierucci's son-in-law, Mark Allen, the mobile home has been removed from the property and much of the junk and debris cleaned up. A few vehicles remain, some scrap materials, and the roof structures of the sheds. Staff has agreed to allow a further 90 days to complete the clean-up process.
3. Staff has dropped the unlawful residential occupancy citation, and the evidence of record, including Mr. Olegba's photographs and his supporting testimony, amply establishes the existence of the violations cited within the notice and order. The remaining vehicles on the property appear to be owned by Mrs. Pierucci's daughter, Melissa Moore, and her boyfriend, Allen Hoffer, and the hearing testimony was enlivened by accusations back and forth as to who was impeding the removal of the remaining vehicles from the site. While this family squabble appears to have degenerated into a rather unpleasant dispute, the County's only concern is that the remaining vehicles be removed, not how it is done or who ultimately owns the vehicles.

CONCLUSIONS:

1. Based on the evidence of record the notice and order must be upheld and the appeal denied.

ORDER:

1. No penalties shall be assessed against the Appellant or the cited property if the remaining vehicles, structures, junk and debris described within the notice and order are removed from the property within 90 days of the date of this order.
2. If the clean-up is not completed in a timely manner as required in condition no. 1, DDES may assess penalties against the Appellant and the property retroactive to the date of this order.

ORDERED this 29th day of December, 2003.

Stafford L. Smith
King County Hearing Examiner

TRANSMITTED via certified mail on this 29th day of December, 2003, to the following person:

Dorothy Pierucci
P.O. Box 58874
Renton, Washington 98058

TRANSMITTED this 29th day of December, 2003, to the parties and interested persons of record:

Mark Allen
16905 - 126th Ave. SE
Renton WA 98058

Allen Hoffer
P.O. Box 353
Renton WA 98057

Melissa Moore
P.O. Box 353
Renton WA 98057

Jeremy Nance
11841 SE 184th St.
Renton WA 98058

Dorothy Pierucci
P.O. Box 98874
Renton WA 98058

Paul Pierucci
P.O. Box 98874
Renton WA 98058

Elizabeth Deraitus
DDES/LUSD
Code Enf. Supvr.
MS OAK-DE-0100

Patricia Malone
DDES/LUSD
Code Enf. Section
MS OAK-DE-0100

DenoBi Olegba
DDES/LUSD
Code Enforcement
MS OAK-DE-0100

Heather Staines
DDES/BSD
Code Enf.-Finance
MS OAK-DE-0100

NOTICE OF RIGHT TO APPEAL

The action of the hearing examiner on this matter shall be final and conclusive unless a proceeding for review pursuant to the Land Use Petition Act is commenced by filing a land use petition in the Superior Court for King County and serving all necessary parties within twenty-one (21) days of the issuance of this decision. The Land Use Petition Act defines the date on which a land use decision is issued by the Hearing Examiner as three days after a written decision is mailed.

MINUTES OF THE DECEMBER 23, 2003, PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. E9900034.

Stafford L. Smith was the Hearing Examiner in this matter. Participating in the hearing were DenoBi Olegba, representing the Department; and Dorothy Pierucci, the Appellant, and Paul Pierucci, Mark Allen, Jeremy Nance, Melissa Moore and Allen Hoffer.

The following exhibits were offered and entered into the record:

- Exhibit No. 1 Staff Report to the Hearing Examiner
- Exhibit No. 2 Copy of Notice and Order issued October 7, 2003
- Exhibit No. 3 Copy of Appeal Received November 12, 2003
- Exhibit No. 4 Copies of Codes Cited in the Notice and Order
- Exhibit No. 5 Photographs taken by DenoBi Olegba in 1999 and 1998
- Exhibit No. 6 Photographs taken by Appellant in October 2003

SLS:gao
E9900034 RPT